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ABSTRACT

This document reviews literature that is relevant to the evaluation and selection of educational toys. Information is summarized under the following topics: (1) the value of toys and manufacturers' claims; (2) basics of the toy industry; (3) toy hazards and accidents; (4) guidelines for toy selection; (5) toy safety legislation and protection; and (6) toy libraries. Information from the areas of education and psychology, business and marketing, consumer protection agencies and toy safety indicate that the toy industry has done little to develop methods for testing the educational value and safety of toys, but has relied instead on the opinions of professionals. A basic condition of the toy industry is extreme competitiveness. Consumer criticism is strong and has spurred the growth of toys marketed as safe and educational. Toy endorsements and labels which say "tested by research" are often misleading standards of toy safety. Statistics show that child injuries from toys are related to features such as the actions of the toys, damaged toys, and packaging. Toys which are inappropriate to the age and abilities of the child are also a major cause of injuries to young children. This factor should be taken into consideration in toy selection. Other criteria of toy safety and precautions are summarized and insights are offered about toy safety through analysis of toy safety legislation. Guidance in toy selection is also available through toy libraries. The operation, aims, resources, and potential uses of these are described. (Author/SS)

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TOYS

MORE THAN TRIFLES FOR PLAY

A REVIEW OF THE TOY INDUSTRY, EDUCATIONAL CLAIMS, SAFETY STANDARDS AND PRECAUTIONS, TOY SELECTION AND TOY LIBRARIES.

MARCH, 1980

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TOYS

MORE THAN TRIFLES FOR PLAY

Joyce Evans, Ph. D. and Patricia Stewart, B.A.

TOYS -- purchased by millions of children and adults

TOYS -- a multi-billion dollar industry

TOYS -- tools for child-learning

TOYS -- hazardous objects, causing injuries and death

Each of the above phrases can be used in describing toys. In the course of searching the literature for studies on the educational value of toys, a great deal of information was located, very little of which focuses on empirical studies of the learning which occurs as a direct result of using specific toys.

Nevertheless, the accrued information provides an insight into the toy industry and identifies some problem areas. This information has been summarized in this report under the following headings:

I. The Value of Toys and Manufacturers Claims

II. Basis of the Toy Industry

III. Toy Hazards and Accidents

IV. Guidelines for Toy Selection

V. Toy Safety Legislation and Protection

VI. Toy Libraries

Following this review of the literature, teachers of young children were surveyed to identify teacher ratings of various toys and their awareness of potential hazards of some toys. The results of this survey are reported in a separate report, Toy Preference and Safety Knowledge.

I. The Educational Value of Toys and Manufacturer's Claims

> Toys. . . are vital emulative tools. They help children build imagination, develop basic motor skills, and rehearse socio-economic roles in fantasized form that they may later assume as adults (Kaye, 1973).
>
> They are a child's first tool for exploring, communicating, and learning about herself and the world around her (Safran, 1973).
>
> [They are] keys to a private world of innocent serenity, of mystery and adventure, and of happiness (Swartz, 1971, 7).

Toys of various types have existed since the earliest civilizations. Whether toys were considered as trifling amusements for children or as "educational" tools for learning is unknown. However toys today, particularly those for young children, are often purchased by parents and teachers for child-learning through play. Play with toys can be spontaneous or guided, imitative or instructional. Regardless of the purpose or definition of toys, most people assume that playing with toys is a safe, enjoyable learning experience for children.

A toy is defined in Funk and Wagnall's Dictionary (1977) as:

> (1) an article constructed for the amusement of children; a plaything
>
> (2) an article of little or no value; a trifle

Some might argue that the toy industry views toys according to the second definition, that is as trifles. Recent investigations have shown that many manufactured toys are inherently dangerous, perhaps illustrating the manfacturer's lack of interest in the safety and durability of toys. Disturbing accidents, such as a child choking to death beacuse of a

stuffed animal piece which was easily removed or the death of a small boy from fragments of a toy cannon expolsion, have caused such criticisms (Surface, 1974).

Children may be hurt psychologically as well as physically. It is felt by some researchers that children learn distrust and cynicism from unsafe toys. However, such as the toy manufacturer's spokesman, state that such learning causes a child to face the realities of the market, preparing the child for the society in which he or she must live (Furness, 1970; Swartz, 1971).

Various claims are made about positive effects of learning that toys can have. Many psychologists point out that toys enable a child to imitate adult behavior and experiment with ideas and actions. Unstructured toys are advocated for the flexibility they offer and the challenge they present. Blocks, make-believe materials, and art materials are examples of unstructured toys which have been strongly praised for their developmental values. Structured toys, which have limited functions, do not allow the versatility or active participation other toys allow. Therefore, they are criticized for the passivity which they teach the child. Many new toys, sold because of their mechanical novelty can be placed in this category. (Carper, 1972; Pogrebin, 1977; Caplan, 1977; Swartz, 1971; Alexander, 1980).

Educators claim that "children gain pleasure and a sense of self-confidence every time they master the elements in their "play world" (Stensrud, 1978). This mastery is accomplished when a child must use imagination with toys (required by unstructured ones) through free play. Others claim that such free play allows for discovery, reasoning, thinking, and bridging of social relations. The popularity of unstructured toys is

further explained as follows:

> Such materials lend themselves to trial-and-error activity. There can be no failure and no disapproval if a project is not finished according to adult standards. Because there are no set goals or restraints, a child will try out new ideas again and again. (Caplan 1976 p.50).

Unstructured toys do not require new, commercially marketed products. Simple household objects such as pots and pans, boxes, or dress-up clothes can have the same developmental qualities. Quilitch (1974) suggests that the most important criteria determining the educational benefits of a toy is that the child enjoys it. However, safety must also be considered. The criteria of enjoyment is essential because to have merit as a teaching instrument, the toy must be appealing and keep the child's attention. This criteria is a valuable tool for assessing toys; a cheap toy is a loss if it is not played with, while a more expensive toy, if it has play value and the child uses and enjoys it, is not a loss.

Expensive toys are not necessarily the better buy or the more educational toy. Often the price is highly indicative of the promotion the product has received or promotional strategies are reflected in the price of the toy. Profits from sales must cover these expenses; likewise the attention the sales campaign draws to the toys encourages this cycle (Quilitch, 1974). In addition, advertising claims concerning the educational value of the toys are often used as a lure for consumers eager to buy worthwhile products.

In 1973, the American Academy of Pediatrics warned people to be careful in assessing claims that products would give "specific educational or developmental advantage(s)" (Quilitch, 1974). This warning was given in view of the increasing trend of manufacturers to market such toys toward parents who desire to enhance their child's development. The preschool toy market is sometimes penetrated by using educators to endorse

products and labeling them as "scientifically developed". Use of such terms as "educational," "developmental," "enriching," "scientifically developed" is not regulated or supported by documentation mainly because of the vagueness and problems associated with proof (Quilitch, 1974). Moreover, the labels are usually attraction devices, misleading to consumers who may not realize their empty meaning. Swartz (1971) contends that, "the toy industry has abused the term 'educational' . . . so flagrantly overwork(ing) the notion, that it is practically impossible to draw up even a general list of dangerous toys that claim special educational value (p.222)".

A few examples of toys marketed as "educational" and later proven hazardous include the following: Etch-A-Sketch, Fisher Price Telephone Pull-Toy, Playschool Hammer and Nails Sets, Spirograph by Kenner, and Playschool Magnetic Inlaid Plastic Puzzel (Quilitch, 1974). Clearly, adults who purchase such toys to improve the child's development would be disappointed. In addition, disillusionment may result when parents find that the claims of enrichment are mainly marketing devices.

Many firms have recruited prominent psychologists and educators to support their products. The promotion is designed with endorsements which impress the young, vulnerable parent who is eager to create the "proper environment" for the child. This is a main selling point of the "educational" toy, pressuring parents to provide appropriate stimulating toys "critical for the early years". (Carper, 1972).

Other psychologists believe that this educational value is overemphasized. No research exists to indicate that such toys will help develop the brain, increase motor coordination or sensory awareness and intelligence

in the long run. Children will learn such skills at different stages in their development through play and interactions with others. Critics also argue that goals to teach children skills quickly to enable them to reach "full potential" are hard to evaluate. For example, what does "full potential" mean? Such toys may push a child to learn whether prepared or not, hitting "undeveloped interests" which might be detremental to the child's attitude towards learning (Quilitch, 1974).

However, the toy industry has done little to develop testing methods, relying mostly on opinions of professionals instead. Certain qualities could be tested by isolating the characteristics to be observed and measured. For example, one study examined two groups of subjects in a controlled setting with certain toys, finding that a difference existed between the groups on verbal comprehension and language development tests. Although sample size was small, the results indicated that children with toys allowing creative play scored higher on the tests (Scanlon, 1977). A positive example of manufacturers working in the pre-market stages of development with educators produced the following project: research was gatered to produce and evaluate products which help exceptional children acquire learning processes and certain skills. The research included inquiries to 43 toy and educational equipment manufacturers. The study was able to show that certain skills and concepts, represented by specially developed products, did improve the subjects' abilities, with maintenance over time (Bartholomew and Meyer, n.d.) These studies serve to highlight the possibilities for specific research on the educational validity of toys. However, companies have systematically relied on broad, general claims which they do not support with data. The prime emphasis is simply

on stimulation, which manufacturers claim their products provide. These unproven claims have caused many parents to worry if they are choosing the best toys for their child's "critical development period". Reviewing toys and the claims of manufactureres, Quilitch (1974) states:

> "There is, in fact, virtually no available research on the effects of educational toys--no believable evidence that educational toys even exist. In 1973 the American Academy of Pediatrics made this point in a statement which asserted that common household objects might be as adequate for use as developmental toys as the special products so advertised..." until more persuasive evidence is presented, it seems unethical for toy companies to invoke the concept of critical periods to sell their products, for academic consultants in the behavioral sciences to lend their authority to the promotion of such toys, and for private industry and the federal government to join forces in creating an infant development market which will assure industry a large profit (p. 61-62).

Because of this problem, it has been suggested that the public be informed about the reliability of promotional claims, or at least be provided with more objective information concerning toy value. Overall, most educators agree that learning through play is best enhanced with safe, durable toys the child likes (Safran, 1973). Any claims of special values or qualities should be supported by data. However, because these claims are usually not supported by data, the consuming public deserves the right to know. This is important, considering that many toys introduced today are sold to parents motivated by intentions to foster the child's development. However, the benefits or promises on which the buyer relies may not be unique to the device or may even affect the child negatively. Therefore, instead of enrichment, the child may experience deprivation. This feeling was explained by Dr. Berry Brazelton, a participant in a series of annual toy conferences held by Redbook which included parents, educators, toy manufacturers,

experts, and psychiatrists. He concluded that,

> Already there is overemphasis on pushing children to grow up, to develop capacities, to learn. These pressures may amount to a deprivation. The child never gets the feeling for finding his own toys, his own solutions, his own mastery. (Redbook, 1973, p. 98).

These views highlight the skepticism prevalent regarding the claims of toy manufactureres. The importance of toys and play for children, however, was not disputed by any of the conference participants. Their main point was that for the child to benefit, toys should be appealing, safe, versatile, and durable. Conference participants overwhelmingly pointed out that children learn just as well from simple home objects as from expensive, elaborate commercial ones. Finally, parents wanting to insure that children profit from toys should give their own attention and support to the child (Safran, 1973). A child may need guidance and interaction when coping with certain toys. Parents and teachers can facilitate this process by allowing the child to gain mastery or use creativity, providing positive reinforcement to build the child's self-confidence (Carper, 1972). This process is what actually makes the toy educational; not whether or not it is used effectively.

II. THE BASICS OF THE TOY INDUSTRY

> The fast growing American toy business . . . is becoming increasingly important with the increasing amounts of leisure time available to most Americans . . . . Toy making today is a flashing, exciting venture that is viewed by its champions as second only to show business in its sense of excitement and glamour . . . and a younger breed of executives . . . are keenly anxious to expunge the bad parts of the past and bring a new, improved image of toy making to the American public (Kaye, 1973, 14).

The multi-billion dollar American toy industry is a unique and vulnerable industry, frequently the subject of the media's attention either through the industry's own advertising campaigns or through consumer complaints. The toy industry boom began in America during World War I, when imports were cut off and the toy manufacturers united to protect their interests by supporting increasing tariffs. The later growth depended on the economy, with an amazing surge in the 1940's. Compared to the 1912 retail toy sales figure of $18 million, the 1955 figure of $592 million seems phenomenal. By 1974, sales had risen 500% to $3.01 billion, even though the number of manufacturers had decreased from 1,400 to 900 (Frederick, 1977, 89). In 1979 statistics from the Toy Manufacturers Association showed a 12.7% growth - to $4,240 billion dollars from $3,763 billion the previous year. (Toy and Hobby World, 1980).

The continuing growth of the toy industry at a time when other industries are suffering has been attributed to various factors such as television advertizing, innovative new products, affluence of society, and increasing parently eagerness for 'educational playthings'. The industry itself is highly competetive in the development of new products

and advertizing. Although competition is obviously not unique to this industry, the special characteristics of the toy industry seem to intensify competition. Companies carefully guard product secrets and promotional campaigns to gain an advantage over one another. Because of the importance of the before-Christmas selling season, millions of dollars are poured into promotional techniques and new products to insure their success. Investment in research and development is extremely high, with gambles made on consumer interests. During the peak buying period in November and December, six out of every ten adults in the U.S. purchase at least one toy (Swartz, 1971, 10).

Children are given considerable attention during this time also, as explained by the advertising director for Ideal, "We'll pound away at the kids for thirteen weeks, hoping to build some memorability" (cited in Kaye, 1973, 89). Advertising for toys involves attracting parents with educational claims or safety claims. After the toy is sold, the industry prepares itself for further increasing sales by relying on planned obselescence and the introduction of novelty items. With the ultimate consumer being the child, the toy business has a unique responsibility: it must facilitate its own existence and serve its consumer as well. Some critics point out that this occurs at the expense of the buyer, and that manufacturers overlook durability, safety, and interest-sustaining qualities in favor of profits.

Toy industry spokesmen, however, repeatedly point out that they are at the mercy of the consumers and must produce to meet their demands. Also, toy manufacturers point out that the average after-tax earnings are only around 3 percent of sales, reflecting the intense competition they face. Heavy advertising is crucial to insure market share, with profits

vulnerable to the public acceptances of new products (Swartz, 1971). Innovation to acquire consumers interests has often resulted in criticism, as irate parents have complained about mechanical, plastic, and complex toys. In addition, restraints by government legislation have directly affected most manufacturers who must now strive towards pre-market controls for safety. Predictably, manufacturers contend that the "safety crusade" has unjustly criticized and regulated the industry, even employing manipulated statistics to support the cause (Kaye, 1973, 172). In his book, A Toy Is Born, industry spokesman Kaye points out,

> Though hazardous toys do exist and must be rooted out, there are also thousands of safe, well-made playthings on the market. Consumer advocates have created a state of emergency where none exists. Innocent companies have been hurt to penalize the guilty. A large segment of the press must be held responsible for the misunderstanding since it exploited every ounce of fright potential in the safety issue while ignoring the toy industry's attempts to defend itself (Kaye, 1973, 167).

Supportive of the need for a mechanism such as the Toy Manufacturers Voluntary Standards, Kaye felt that the industry did not deserve overbearing regulations and disrespect. Instead, parents and toy consumers should bear the responsibility for discriminating valuable toys in the marketplace, eliminating the "witch-hunt" of toy manufacturers (Kaye, 1973). Other industry spokesmen support this idea, believing that poor products will not last in the marketplace. For example, Ruth Handler, president of Mattel, stated, "It's when parents and kids tell others that you make money. You advertise a bad item, and a few kids and parents get taken; they pass the word, and the toy dies" (The Toy Battle, 1971). This view extends to product durability as well. According to

another manufacturer, "People are shopping for better quality. They're fed up with the experience of getting a good price on something and then finding you can't get it repaired" (Toymakers Wind Up, 1975, 13).

Regardless of the manufacturer's wishes, the industry is under scrutiny by the Federal Trade Commission, the Food and Drug Administration, and the Consumers Union. Parental groups such as Action for Children's Television (who want to ban toy advertising to children on TV), and the National Association of Broadcasters (who have hardened their guidelines on toy commercials due to consumer pressure) are critical of advertising. In addition, the Consumer Product Safety Commission (CPSC) is investigating consumer complaints, implementing various standards regarding toys, as well as instituting direct bans on some hazardous ones. However, the vast quantity of toys (150,000 different ones existing, 5,000 introduced each year with 900 manufacturers) hinders the success of these organizations in their control efforts. This causes some companies to be harder hit by investigations and product liability, as exemplified by Marlin Toy Products, Inc., which was a victim of the bureaucracy. At the insistence of the CPSC, Marlin recalled toy plastic balls it was marketing at a cost of 96,000 dollars, removing the pellets they contained (which had been proven hazardous). Later, the company manufactured thousands more following the safety guidelines set by CPSC. However, through a technical blunder the Commission continued listing the Marlin toy as a banned product, causing the company to plunge close to bankruptcy. Embarrassed by the mistake, Congress passed a resolution to award the company damages (The Power to Ruin, 1975). Other companies also feel that they have been discriminated against, especially smaller

ones who claim that product liability insurance and governmental requirements have reduced their ability to compete in the market. Some companies complain that unsupported criticism of their products has hurt sales (examples include the makers of Suzy Homemaker's Easy Bake Oven and Etch-A-Sketch), even though their products were not banned (The Toy Battle, 1971).

Consumer complaints, however, have spurred the growth of toys marketed as safe and educational. Fisher-Price toys, a division of Quaker Oats, Milton Bradley-s Playskool, Mattel's Preschool line, Sesame Street, and Hasbro's Romper Room toys head the list. After consumer criticism of products like Hypo-Squirt (play hypodermic needle) and Javelin Darts (proven hazardous), Hasbro concentrated on its Romper Room toys, building the TV name to overcome competition. Action for Children's Television criticized the move, believing that selling the toys used in the televised preschool classroom show took advantage of children. However, Hasbro continued to use the name, and management concentrated on other promotional schemes, such as opening franchised day-care centers using the same name (A Toy Maker, 1971, 116). Sales for Fisher-Price increased spectacularly to $80 million in 1972, more than double their 1969 sales, with only a 12% rise in other toy products (Robertson, 1972, 115). Net sales for Mattel reached a record level of $600,721,000 in November 1979, a nine month increase of 54%, while Milton Bradley reported revenues of $126,000,000, an increase of 40% from the same period in 1978 (Toy and Hobby World, 1980; Playthings, 1980).

In naming the best-selling toys from the 1960-1970 period, seven U.S. companies (with sales over $50 million each in 1970) compiled this list:

Kenner: Easy-Bake Oven and Spirograph; Ideal (a division of Quaker Oats): Crissy doll (whose hair grows) and Mouse Trap Game; Playskool, Inc. (a subsidiary of Milton Bradley): Tyke Bike and Twister Game; Fisher Price (a division of Quaker Oats): Chatter Telephone and Play Family School; Topper Corp.: Johnny Lightning Cars and Tracks and Dawn doll line; Mattel: the Barbie line and Hot Wheels (motorcycle set); Louis Marx & Co.: Big Wheel and Rock 'Em - Sock 'Em Robots. The survey excluded established board games such as Monopoly from the rankings (Robertson, 1972). Unpredictable buying trends confronted these manufacturers. For example, in 1970, retailers refused many purchases of Mattel products because the Hot Wheel line declined. With the addition of "Sizzler" to the Hot Wheels line, the company was able to sell $90 million worth. However, other companies distributed similar products, causing the Sizzler to stagnate at the retail level. People compained that the toys also were lacking in play value because the child could not actively participate with the product (Robertson, 1972). Novelty toys still continue to be the lifeblood of the companies, though. Ideal turned out the Evel Knievel doll, Kenner made the Six Million Dollar Man, and Mego produced Cher, Muhammed Ali and Superman. By purchasing rights to create such celebrity dolls, Mego joined other manufacturers in the top ten of the industry (with sales for nine months of 1975 reaching 50 million). Investing in other products such as the Star Trek electronic game, Baby That Away, Baby Alive, and the Weeble Treehouse, Mego was able to obtain a larger share of the market. However, the growth was expensive (costing about $100,000 with 5% royalties on doll rights), especially combined with the television advertising (estimated at $8 million per year in 1976). These expenses eventually are reflected in the product's price,

with other competitors claiming that "good buyers say they'd rather have us use the money to reduce the price of our products" (Mego Makes It, 1976, 27). Regardless of these sentiments, the toy business thrives on product differentiation.

Success stories abound in the toy industry, from Ruth and Elliott Handler who founded Mattel Toymakers and originated the Barbie Doll, to Marvin Glass, inventor of scores of toys including the Mouse Trap Game. Glass believed that a toy must have a certain amount of fantasy that re-awakens an echo in a child, that to a child a toy is as much of a consumer product as a washing machine is to a housewife (Frederick, 1977). To be a success, toy designer Filis Frederick believes that a toy must have eight qualities: novelty, play value, contemporary theme, proper age level design, good appearance, simplicity, toy appeal (related also to advertising appeal). In addition to these qualities a new toy must be marketed through the correct channels to insure success. The process for the individual designer involves making models, writing effective directions, costing the design, protecting the ideas (through agreements, patents and copyrights), selling the ideas, and understanding the toy market operations (Frederick, 1977). Because this process is complicated, the majority of new playthings (95%) are created by professionals in the industry. Reports indicate however that over 90% of all the suggestions made for new toys and games come from amateurs - the consumers. The main barrier behind their implementation is that the general public does not understand the market competition and need for product differentiation as well as feasibility, expenses, etc., (Kaye, 1973). These pressures have limited the smaller companies, whose large competitors can absorb the "bumps" of the business more easily. One

industry official said, "I'd rather be in the ring against Joe Frazier than compete against Barbie" (A Toymaker Builds, 1971). Competition has pushed the companies to advertise their products earlier and earlier each season, introducing products as early as October and November in contrast to the generally accepted Toy Fair exhibits held in New York in February (Some Bumps in Toyland, 1975). Toy makers feel the trip to New York is too expensive, short-lived and restricting. However, they still spend millions of dollars preparing for the annual fair, emphasized by advertising budgets.

Toys for the 1980's clearly reflect the newest in electronic gadgetry. Interests in the Olympics and outer space are reflected in toys and games, while dolls are reaching new heights of gurgling, fussing, crying and even chewing gum. Imagination and even action can be avoided by the child of the 80's who can simply push a button and passively watch as the toy moves about. Toys for infants have attracted greater manufacturer interest than in previous years, as evidenced in displays by Fisher-Price, Playskool, Gerber and others during the 1980 Toy Fair in New York City (Evans, 1980).

Ultimately, the consumer pays for the promotional expenditure of the toy industry through the products pruchased. This buying power is used as a reinforcement of industry practices of planned obsolescence, novelty, and unsupported promotional claims. The buying power could be used to improve the situation, by customers using careful and discriminant shopping practices. The toy makers complain bitterly about government control and regulation of the industry, feeling the deleterious influences it has. The toy industry prefers not to please the bureaucracy. Pleasing the consumer, however, is supposedly their business. Effective indormation exchanges

should therefore occur at the marketplace, with consumers showing their preferences through selection (The Toy Battle, 1971). Information about toy safety is essential in order for this process to benefit the consumer. The claims of manufacturers are designed to sell the product described, not necessarily to inform the consumer. Furthermore, labels regarding "safety" and "educational" merit are not always supported by testing or facts. More attention needs to be directed to these discrepancies, stimulating producers to stand by their claims and motivating buyers to increase their awareness of the situation.

III. TOY ACCIDENTS AND PREVENTION

> Every year well over 100,000 children are hospitalized for playground equipment-related injuries . . . Local school districts and park authorities, as well as concerned parents, continue fruitlessly to seek guidance . . . . And thousands of children continue to be needlessly injured in avoidable accidents (remarks by Mr. Rinaldo, Hearings before Senate Committee Extension Act of the Consumer Product Safety Act, 1978, quoted in Additional Views, 1978, p. 30).
>
> I am not pretending for one moment that there are not unsafe and hazardous toys on the market . . . (remarks by Jermoe M. Fryer, Toy Manufacturers of American Hearings before House Subcommittee, 1969, quoted in Swartz, 1971, 20).
>
> This year some 700,000 youngsters will be hurt by their own playthings . . . . Many of the injuries, according to Dr. James Holroyd of the American Academy of Pediatrics, will be crippling, scarring or severely damaging (Dangerous Toys, 1971).

These statements were made by citizens well-informed on the issue of toy safety. Individual perspectives considered, it seems clear that a problem exists, although differing coping methods are suggested. Beginning in the 1960's a save of consumer-consciousness seemed to penetrate Americans. Rage concerning the long suspected "planned obsolescence" of products heightened. More attention was directed at products capable of fatal injuries, especially those used by children. Researchers pointed out that inflation, competition, and limited information were partly to blame. Also, many of the accidents were attributed to misuse by the consumer (Swartz, 1971, 155).

Temporarily disregarding the fault issue, what is the effect on children when products are easily broken or do not work? Parents and teachers might answer quickly: disappointment and frustration. Certainly, these are initial reactions, but others have declared that such products teach children a passive role. Children are trained to think, "that's how it is - and that's

how it will be" (Furness, 1970). As a result children may learn an early disrespect and cynicism. Parents and teachers can do much to avoid this occurrence by selecting appropriate toys that are both safe and durable. Of primary importance is the safety of the toy. Insuring such safety is no easy task; however, knowledge of certain hazards will definitely help.

Necessary warnings are omitted on many toys, directions are not clear, or the advertising is unclear or misleading. These problems alone could cause a relatively harmless toy to become dangerous. For example, a young child may not be aware that submerging an electrical toy in water to clean it could cause shock or even death. Similarly, a child looking at the advertising on the package may perceive a certain way the product may be used. However, if the product is so used, definite injury could result. An example of this is a toy plastic whizzie toy which emphasizes "safe, flexible plastic" on the packaging. Also on the package is a drawing showing children throwing whizzies towards one another at a very close distance. Through imitation, a child could easily be blinded without any deliberate misuse of the toy on the child's part (Furness, 1970, 1). Even with legislation which requires warnings and cautions on certain types of children's toys, the writing or package design may cause the effects of required warnings and cautions to be diluted. For example, one package of tiny plastic farm animals read "safe" on the outside of the package. Underneath the animals, on the cardboard support behind them, were printed the words, "Not recommended for children under the age of three" (Stewart, 1979). Such warnings may help parents or teachers in selecting toys.

However, children are often the purchaser and many children are not able to read these labels. Even those children who can read may not do so. Adult supervision and careful reading of directions, warnings, and misleading advertising is therefore essential.

Consumers should be aware that labels such as "Good Housekeeping," "Parents' Magazine," or Underwriters Laboratories" do not mean that products are not dangerous. For example, "Underwriters Laboratories" only inspects a portion of the wiring or electrical parts of a given toy. The seal simply means that the product meets certain specific standards; however, it could be defective in other areas (Swartz, 1971, 26). In the Final Report of the National Commission on Product Safety, it was stated that:

> Certification or seals . . . usually appear to the consumer to offer more than is actually stated. Most consumers regard the "Good Housekeeping" seal as a useful guidepost. They do not realize its limited scope . . . . The backing for the seal . . . by . . . "Parents' Magazine" is similar. "Parents' Magazine" does not represent that it is satisfied that the products with its seal are good or that advertising claims are truthful. It restricts its guaranty to claims made within 30 days of purchase (Swartz, 1971, 97).

The seals from both "Good Housekeeping" and "Parents' Magazine" are awarded to companies who purchase advertising space in the magazines; this space usually involves expensive contracts of several months. The magazines do accept a sample product from the manufacturer which is tested to see if it fits "what the advertising says it is: not more" (Swartz, 1971, 98). The tests do not reveal information on safety, durability, or quality. If a product is rejected for the magazine's approval because it does not meet

its own advertising standards, the public is never notified. These approval seals have been likened to a mere screening process for deceptive advertising (Swartz, 1971, 100).

Manufacturers themselves sometimes boast of their own product research and safety standards. Playskool has used advertising which reads, "Approved-Tested by Playskool Research." Attorney Ed Swartz has criticized this labeling device, especially when used on two highly promoted toys: both the Playskool Hammer and Nails Set, containing real nails and a working hammer with metal head, and the Tyke Bike, proven unsafe because of handlebar tips which might cause blindness (Swartz, 1971, 96).

Unfortunat ely, even more confusing labels and testing standards exist. Two independent organizations, the United States Testing Company, Inc., and the Nationwide Consumer Testing Institute, Inc. operate on a profit basis, made by helping toy manufacturers test their products and allowing them to use so-called seals of approval. The main problem in such groups is that they are operated mainly for the manufacturer, not the consumer. They exist to promote one another (Swartz, 1971). Similarly, other endorsements are used to promote products. The Child Study Association of America, Inc. (CSAA) is a prime example of such exploitation. Advertising its services and interests as concerned about the safety and durability of toys, CSAA recommended toys in catalogs of major department stores. However, its recommendations were not proven reliable, as shown in the following items it promoted:

> A crawl-in tunnel for ages three to nine, described as "a simple contrivance that endures through years of play because, like the best of play materials, it allows the child-mind to turn it to many purposes" . . . This tunnel, and others like it, was found to be so dangerously flammable that the FTC seized and removed from the market 50,000 . . . of course the FTC had no way at all to get back the ones alread sold.
>
> Monkey Swing for ages four to ten, which is . . . especially dangerous and unsuitable. The heavy seat swings in a 360° circle, as the catalog says, "up and down, by zigzag, sideways, dizzying round and round" . . . and it can crack the skull of a second child standing in its uncontrollable path.
>
> Satellite Jump Shoes for ages five and up, with which the child can play at being a "frog . . . a kangaroo . . . ." These shoes come with rubber bumpers for the sake of floors. The National Commission on Product Safety took a plainspoken view of this toy in its Interim Report; it is "inordinately dangerous" and can easily lead to "broken ankle bones and injuries to the feet and the legs . . . obviously dangerous for young children due to a lack of balance and ankle support" (Swartz, 1971; 118, 119).

Other information agencies do offer some relief for the confused consumer. For example, The Consumers Union and the Consumers' Research are independent organizations, accept no advertising, and allow no endorsement claims. Their guides offer more objective view of products bought on the open market and tested for key problems. Also, the publications usually compare different brands of the same product to give a report of quality and price differences, and publications such as Consumers Bulletin also update buyers on new legislation and events which will affect them in the market. Throughout the late 1960's and early 1970's toy products were given considerable attention in such publications. For example, at least 10 articles regarding toy products were listed during a period of three months in 1970 in either Consumer's Reports or Consumers Bulletin

versus only 2 articles listed for all of 1978. However, in more recent times these publications have concentrated less on toys and more on other items such as automobiles, appliances, and certain household items which are the subject of popular attention. Clearly, at some point in time, particular products enjoy the limelight of attention, while others are overlooked. Safety research on each and every toy is clearly a large and difficult task. Education of parents and teachers about possible hazards and supervising children in their purchases is clearly needed.

Strict legal restraints are cumbersome to enforce regarding the safety of product design. With approximately 150,000 new products introduced each year this task would require immense systems of testing and control (Surface, 1974). For these reasons, individual evaluation of toys is imperative. Some examples of toys determined to be unsafe in their design include the following:

Flexible Dolls. These are made with wiring throughout the arms and legs of the body. The wire eventually works its way out of the body after frequent usage. The exposed wires are sometimes very sharp, capable of causing serious lacerations or puncture wounds. Wires also can cause infection or carry tetanus (Swartz, 1971, 220).

"Etch-A-Sketch." A drawing board originally constructed of a plate glass screen with metal dust underneath the surface which allows drawing of figures on the screen. This glass is easily broken or shattered, an obvious danger. Also, the metal dust combined with a serious slash could slow the healing process or cause an infection. Further claims state that,

"It could also lead to disfiguring scars caused by the intrusion of foreign bodies under the skin, or even result, through the same process, in leaving large and blotchy tatoos" (Swartz, 1971, 46). By 1971, this product was the number one subject of letters of complaint about toys filed with the National Commission on Product Safety. Although the outer glass was finally changed to plastic, over 20 million were already sold to the general public (Dangerous Toys, 1971).

Battlestar Galactica Spaceship. Designed to replicate the ship as seen on television, the projectiles on the toy are dangerous. In addition, the toy is designed to explode when the "modules" separate during the simulated flight. However, design defects of the "explosion" caused the product to be recalled after having been on the market for a short period (Crackdown, 1979).

Other toys deemed unsafe include kites using copper wire which can cause electrocution; toy airplanes, cars, etc., with sharp edges and points which can cause lacerations; craft kits which contain poisonous materials or irritants; musical toys which contain small pieces which can be swallowed or sharp edges; stuffed animals filled with flammable materials or with detachable small parts such as eyes, buttons, beads, etc., which can cause strangulation; and toy cap guns, air guns or pellet guns which can cause burns, deafness, blindness, etc. (Safety Requirements, 1975).

Similar hazards are present in many everyday products used by adults. However, toys are intended for use by children who are not able to anticipate the dangers such products might harbor. Proponents of legislation protecting children's rights feel that safety should be based on the child's lack of complete information of the product and on probable misuse of the

in accidents. Examples of such occurrences include: an eleven-year-old boy blinded by a defective pogo stick (Swartz, 1971, 50); a young boy partially blinded by a slingshot which did not operate correctly (Swartz, 1971, 50); and a young boy burned by caps that spontaneously ignited in his pocket (Safety Requirements, 1975, 37).

In the above examples, the victims were all males. Surveys in the United Kingdom have analyzed the male/female ratio in toy accidents finding that:

> the M/F ratio in the under 4 years is 6:1
>
> The M/F ratio in the 5-14 age group is 2:1
>
> the M/F ratio in the 15-44 age group is 2:2 (Safety Requirements, 1975, 28).

This data was based on a total of 13,855 accidents reported in 1973-74 in six urban areas in England, with 239 concerning toy accidents. Possible explanations for the higher number of males might include examination of the product involved in the majority of cases. For example, 48% of the accidents involved swings, footballs/balls, toy cars/vehicles, and toy guns/pellets (Safety Requirements, 1975, 28). While these toys certainly are not restricted to use by boys, participation in organized sports involving balls, as well as play involving cars and guns, is often notably higher for males. Examples cited including children in the U. S. did not draw a distinction between the number of male vs. female children involved (Safety Requirements, 1975, 31).

Regardless of whether the toy is used by boys or girls, many toys are capable of causing serious injuries when used by children too young to handle them. For example: boomerangs, archery sets, darts (including

product (Safety Requirements, 1975, 7). Problems of legislation and its enforcement concerning toy safety are shared by several countries. The Organization for Economic Cooperation and Development, Committee on Consumer Policy, surveyed its members to review such problems. Responses received from Austira, Canada, Denmark, Finland, France, Germany, Ireland, Japan, Luxembourg, the Netherlands, Norway, Sweden, Switzerland, Turkey, the United Kingdom, and the United States were analyzed. Comparing the effectiveness of various safeguards in the countries, the Committee found that specific regulations controlling various hazards were preferable over general regulations prohibiting certain products. The Committee emphasized the need to develop international standards as well to enhance trade, avoiding possible legislative barriers later. Also, the Committee supported information labeling and consumer education to contribute to the toy safety program (Safety Requirements, 1975, 20).

In detailed surveys of both the United Kingdom and the United [illegible] the Committee was able to isolate main hazards of toys and hazardous activities. Included in the list of main hazard patterns were such things as: guns firing accidently, fires or explosions, electric shocks, sharp points, sharp edges, removable parts, small, easily swallowed articles, chemical hazards, finger entrapment, struck by fired projectile, struck with toy, struck obstacle while riding toy, impact with toy, toy as 'obstacle' (Safety Requirements, 1975, 30-31). Considering the above, it seems clear that some injuries are related to toy features, while others are because of actions involving toys. Even if the general design of the toy is safe, certain deviations within the lot manufactured could result

those labeled "safe, with rubber tips" because tips are easily removed, as are suction tips on arrows), swords, peashooters, slingshots, B-B guns, chemistry sets, electrical baking appliances, metal-casting sets, tools, equipment, and craft kits are dangerous for young children (Swartz, 1971; Dangerous Toys, 1971).

Toys such as these are designed for older children under adult supervision; however, in many cases such guidance is non-existant. One problem is that many children buy toys for themselves or are given toys which parents do not buy. In one study by the Toy Manufacturers of American, reports indicated that one-third of all the toys sold in America were purchased by children. However, only thirty percent of the parents interviewed realized that their children were buying toys on their own (Swartz, 1971, 13). Children are sometimes selecting and probably using toys without adult supervision. Obviously this creates problems, especially with the above-mentioned toys which require careful use according to directions and supervision. Examples of specific accidents related to this problem include: a two-year-old girl, treated for skin irritations caused by chemicals from a chemistry set, a nine-year-old boy, treated for chemical burns in one eye from his use of a chemistry set; an eleven-year-old boy, treated for leg burns from ignition of model airplane fuel (Safety Requirements, 1975, 37-39). Many accidents such as these could be avoided if the toys were used properly.

Lack of durability may result in accidents even if it is used with the required supervision. Children exert much strength and energy in their often rugged play with toys. Broken toys and loose pieces are

are commonplace. Toy manufacturers have been criticized for the planned obsolescence with which they produce toys (Furness, 1970). Swartz (1971, 18) contends that, ". . . if toys were safer, sturdier, and could keep our children amused for longer, then the toy sales curve would begin to dip and profits would unavoidable decline." To keep profits from declining, the manufacturers are in constant competition for the children's attention. Novelty toys, gadgets, and "character" toys may be made of flimsy materials, and have short life spans; however, they are directly promoted to children. Television advertising is effective for this purpose, teaching children to recognize and request special new toys from their parents. The quality of toys bought under such pressure, or through impulse buying, is not an important factor to the sale. Often, children quickly lose interest in such trendy toys or new ones are marketed to replace their initial demand. Many new battery-operated or "gimmick" toys are limited in their play value as well, allowing the child only to participate passively as a spectator (The ABC's, 142). These toys are often lacking in durability because of a combination of factors. For example, a battery-operated dancing doll may attract a child's initial attention but may not be used regularly. The electrical components of the doll may cause the design to be somewhat fragile or easily broken. The demand for a longer-lasting model may even be non-existent because of the frequently changing models, i.e., planned obsolescence.

Durability and sturdiness are crucial safety factors to consider. Many accidents occur because of broken toys. Toys that break easily often expose sharp edges and points which may cause cuts or puncture wounds.

Many also may shatter or expose numerous small loose pieces. These small pieces themselves are dangerous, especially to young children who might lodge them into ears or nose or swallow them. Reports from the National Commission on Product Safety illustrates this point dramatically, showing objects extracted from the lungs and stomachs of children (Swartz, 1971, 56). Other instances of children harmed by broken toys or small pieces of toys include; a 21-month-old female who was treated for a "lacerated palate and foreign body lodged in alate" caused by a broken toy flute; a 4-year-old male who cut his hand on a sharp edge of a broken toy drum; a 13-month-old female who died because of a small peg which was lodged in her left bronchus; a 13-year-old male treated for contusions and abrasions of the eye caused by a broken sling-shot which misfired; a 6-year-old female who was treated for lacerations cuased by playing with a broken toy train (Safety Requirements, 1975, 24-40).

Although an article in Reader's Digest (December, 1972) on "How to Choose Toys for Children" warns parents to check toys for safety and durability, it also states that because of the Consumer Product Safety Commission, toys "are safer than ever" (Carper, 1972, 139-145). While it would be a relief to parents to believe such a statement, later accidents have not supported its validity. The CPSC has an enormous task of insuring such safety since the growing industry produces more toys than it can physically keep up with and is limited in the pursuit of its goals (Weaver, 1975, 133-135). (See the following section on legislation and protection for a description of goals.) Even when the Commission is successful in recalling certain toys, the program is still not entirely effective. For

exposed to between 300,000 and 350,000 commercials by the time he or she reaches 18, these factors are amplified. Rothenberg notes that research has documented that these commercials promote materialistic values in the child. It has also been proven that:

> . . . The inability of children to distinguish between program content and commercial messages may lead them to believe that toys, for example, which promote still more passivity or anti-social behavior are being urged upon them by television characters whom they wish to emulate and imitate (Oversight Hearings, 1976, 188).

The studies are not altogether negative in content; for example, pro-social behaviors and actions can be increased and encouraged by television as well (Oversight Hearings, 1976, 188). More productive aspects of television for children are also advocated by the National Parent-Teachers Association, which also testified, criticizing the television industry's operations (Oversight Hearings, 1976, 437).

Clearly, consumer complaints are being investigated and acted upon; however, no widespread solution to consumer problems seems evident. On one side of the issue, if all consumer desires were reflected in the market, certain changes would necessarily occur. One critic for example advocates that all commercials directed at children be banned. This action might appease certain consumer wishes, however the product industry would apply political pressure in an opposite direction to allow commercials to facilitate their business functions. Another issue would be to allow the industry to use self-regulation, regardless of the product itself. Theorists might argue that the functions of the capitalistic market economy would determine the supply and demand, with poor quality products being pushed

out of the market because of competition and consumer dissatisfaction. This Pure Market theory approach requires that fair entry and exit of markets occur and that all consumers are perfectly informed. In real life, this is not the case, as tariffs and barriers to competition do exist, and consumers are definitely not fully informed (Cunningham, 1977). In America's democratic society, every person is supposed to have an equal vote. In realistic terms, all persons in society are not given the equal vote in certain issues. Instead, society has delegated voting power to lawmakers who represent the people who elected them. By the same token, representatives have set up several thousand institutions, departments, agencies, to which they have delegated their power, retaining the power of appropriations and oversight. In such a bureaucratic system, insuring the consumers' voice or vote is difficult, or almost impossible (Romzek, 1978). Given the limitations which legislation and bureaucracy afford consumers, specific protection available should be more widely recognized.

One reason for the limitations is that problem of definition exists concerning toy-related injuries. For example, household articles might be dangerous to children, while they are considered toys only to the child. Other products might be "patently dangerous" including articles such as fireworks and B-B guns (Hazardous Toys, 1976-1977, 198). Finally, there are toys which are defective in their design and thus are inappropriate for children and there are toys which are not defective in design or construction. The latter group comes under scrutiny because of their lack of durability and potential danger when abused.

example, Mattel's Battlestar Galactica spaceship, sold in December, 1978, was recently recalled because it was dangerous, having been involved in at least one death so far. However, public interest groups have complained that the toy is still being sold (Crackdown on Projectile Toys, 1979). Inspecting toys for safety qualities such as durability is necessary in the prevention of accidents.

Preventing accidents requires an awareness of the possibilities which might precipitate them. Many toys seem perfectly harmless in appearance and durability, yet may harbor hidden problems, such as the ability to carry disease or poison. Teething rings made of water-filled plastic bags with colorful floating pieces were found in some cases to carry bacteria from human waste (Dangerous Toys, 1971). A child might break such a ring and be exposed to the contaminated water, or even swallow the small pieces. Another product currently on the market, called "crazy straw" is a possible germ carrier. The straw is made of plastic tubing wound in spirals. Its shape makes it difficult to wash adequately, allowing residue to act as a "fertile breeding ground for germs" (Swartz, 1971, 40). Also children may chew the paint off toys. Regulations restrict the use of paint, allowing non-toxic, lead-free paint only children's toys. However, such assurance cannot be associated with home-made toys, older model toys, or even some manufactured ones which may disregard the regulations. The purchaser must anticipate these threats since hazards such as these are difficult to control through protective legislation.

Not only are outside package claims potential hazards, but packaging itself may be dangerous. The use of plastic packaging has been criticized

because of the "threat of suffocation which the dry-cleaning industry is now fortunately well aware of" (Swartz, 1971, 59). Often manufacturers opt for the less expensive, thin, pliable plastic over the available firmer types. This selection may be a savings for the company, but disregards the effect on the consumer, the child. Even in the case of a child hurt by playing with such packaging, the manufacturer would not usually be held liable because of the so-called misuse of the product. Purchasers should thus be selective about the dangers the package itself presents. The packaging should also be noticed for what it is: an item intended to promote and sell the product. For this reason, attractive labels and claims often cause attention to be directed away from other concerns. For example, a toy cap gun should contain warnings about the appropriate age child for the product and directions for using the gun to avoid accidents. Such labels and warnings should be examined and followed before the product is used or important instructions thrown away. This affords the consumer some protection from the accidental abuse of products and liability claims which might later be necessary (Hazardous Toys, 1976-77).

Aside from the potential physical harm toys may cause children, critics have also argued that certain toys carry psychological damage as well. Regarding toys which are physically harmful, Swartz (1971) claims that the child's very exposure to such toys is a betrayal of trust. Being socialized by exposure to toys is also a problem. Many concerned people have criticized the distorted values which toys teach children. Pope Paul VI joined the critics, stressing,

> It is our duty to remind you (that) toys have a great educational importance: luxury toys root certain habits in the minds, weapons develop aggressiveness, other toys incite cruelty towards animals, and still others invite dangerous attitudes (cited in Swartz, 1971, 70).

Similarly, Wertham, a noted psychiatrist, believes that war toys cause children to "unlearn respect for life and become conditioned to accept violence and war" (cited in Swartz, 1971, 71).

In contrast, child psychology experts point out that toys which are considered to be bad programming like smash-up cars, or toy guns do not really cause developmental harm. They stress that children will create weapon toys if not allowed to play with them. For example, a child might bang blocks together pretending that a gun has gone off. It is generally agreed, however, that toys which teach positive values are usually more desirable (Carper, 1972).

Knowledge of toy-related injuries and hazards concerning toys will help the buyer determine which toys are more desirable to protect the safety of children. Adequate information is usually not available considering these factors, however. For these reasons, the United States has set up a special National Electronic Injury Surveillance System (NEISS) to monitor 119 hospitals through a computer (A Most-Wanted List, 1973). Through the data obtained, specific product hazards are being recognized and concentrated upon. In June, 1978, the CPSC rated the top 20 hazards around the home: bicycles were rated 1; football 3; baseball 4; playground equipment 5; skates, skateboards, scooters, and basketball as 7. These statistics vary from 1973 when football, baseball, playground equip-

ment, basketball were rated lower in ranking. Previously, football was listed as 7; baseball 12; playground equipment 8; and basketball 18. Skateboards, skates and scooters did not appear on the list. In 1977 alone, 100,000 skateboard emergency injuries were reported and the CPSC is pushing for product labeling standards. The patterns of injury were also examined. For example, for bicycles the pattern was reported to be "fractures and lacerations from mechanical failure, foot caught in chain or spoke, loss of control" (Zeroing in on Safety, 1978, 68). CPSC reports are used to design improvements in existing product standards and to provide for their enforcement. Also, the recall, repair, replacement, or refund of products may be implemented if the product is proven hazardous. Finally, the CPSC can institute a ban against a product (Saving People, 1973).

The problem remains, however, that toys on the market may be dangerous and cause permanent harm before such a program could be put into effect. This emphasizes the point that the buyer must beware. Public information about possible risks and preventive measures would help reduce accidents.

In 1975, adapting a similar reasoning, the Organization for Economic Cooperation and Development stated that governments should adopt consumer information programs. Such programs would help because:

> As toys are designed for children of various ages and aptitudes, the primary responsibility rests upon parents to ensure that a toy does not fall into the hands of a child for whom it is clearly unsuitable, whether by reason of the age or mental or physical characteristics of the child concerned, or other circumstances. But for the purposes of government controls, it may not be wise to take adequate parental or adult control for granted (Safety Requirements, 1975, 15).

Indeed, adequate parental control should not be assumed, especially considering that certain U. S. population groups probably lack sufficient consumer education.

For this reason, the CPSC has directed consumer education programs about fire safety toward low-income and minority groups. Studies have shown that low-income minorities often buy inferior products and are therefore exposed to greater chances of injury (Consumer Product Law, 1978). Whether this increased exposure is due to the money factor limitation, insufficient education about products, or other factors was not determined. In any event, consumer information about selection, care, and safety of products for adults may improve the situation. Information for parents, teachers, and other adults about toy safety, supervision and use as well as toy selection should be incorporated into parent education programs. Evidence exists which shows that parents in general desire and need more parenting information (Gordon, 1975, 141), and parent education programs are proliferating rapidly.

Parents and other adults as well as children could become more selective purchasers through the presently available media. Some professionals have emphasized that instead of increasing government regulation, advertising could be used as a positive force to meet the needs of consumers and government (Peebles and Ryan, 1978). By utilizing spot announcements to warn parents that children need to wear helmets and protective pads on skateboards, the CPSC has recently illustrated such a method (Steward, February, 1979). Specific information on toy selection could also prove worthwhile in avoiding injuries.

The importance to children of the stimulation that toys provide becomes evident when toy play is eliminated. For example, doctors learned that one- and two-year-old children raised in an orphanage without playthings or adult playmates, were retarded in their development. The children had been fed, kept clean and healthy. When given the stimulation of playthings and adult playmates their progress was tremendous (Caplan, 1977). In another controlled study; children with a mean age of three years were tested for attention control, hearing, motor, and social skills. The group of children possessing toys, supposedly ones encouraging creative play, were more advanced in "both verbal comprehension and expressive language," compared to a second group. The only differences related to the development of these children, selected from the same housing project, was the presence of the toys (Scanlon, 1977). These two examples highlight the positive effects that toy play can have on the development of children. However, some professionals have argued that the toy itself is overrated, insisting that the interactions which play fosters between the child and others are the determining factors. Whatever reasoning is applied, toys play an integral part in development. Selection of appropriate toys for given age levels will enhance this process.

IV. GUIDELINES FOR TOY SELECTION

Toy selection should be based on the age and abilities of the individual child. When younger children are given toys intended for use by older children, frustration, loss of interest, and injuries can occur. In fact, inappropriate toys are a major cause of injuries in young children.

Obviously infants require special attention, including the introduction of basic toy objects to acquaint them with their environment. Brightly colored large toys which stimulate seeing, touching, and hearing are important. Mobiles, wall decorations and stuffed animals as well as smaller toys such as music boxes, rattles, bells and teethers are recommended. As children learn to hold, drop and bang things together; objects such as plastic measuring cups, tin pans and spoons. When children are able to walk, push-pull toys are enjoyed as well as small wagons, outdoor infant swing, large trucks and dolls. Around age two children begin imitative play and toys which allow them to imitate real events such as play telephones, brooms, mops, pots and pans, toy tool chests and such are stimulating. As children learn to socialize and play cooperatively with each other, toys should stimulate the imagination and encourage group play, housekeeping equipment, blocks, outdoor equipment such as tricycles and wagons are enjoyed. Stacking and nesting toys as well as puzzles are good as children begin to develop greater finger-thumb dexterity. Texts on child development and information from the Association for Education of Young Children provide information on the general types of toys which are of interest to children of different ages. This infor-

mation is based on the child's abilities in physical, social and intellectual development. It does not focus on specific items by individual manufacturers. For example, "Puzzles" may be recommended for children beginning at age three. This does not describe which puzzles, however. Puzzles vary drastically in construction (wood or cardboard of various thicknesses), design (number of pieces, cut of pieces) content (simple single object to complex or abstract illustration) and ease of manipulation (knobs of various sizes).

The play value or versatility the toy offers is an important feature to recognize. A toy that is "unstructured" is one which can be used for several different purposes, leaving the child's play open for creativity. In contrast, a structured toy would be one whose purpose is limited. Children often loose interest in toys which perform only one function, whereas toys which serve multiple functions maintain interest and promote fantasy. Some researchers feel that today's toys are too pre-fabricated and limited in use for the child (Caplan, 1977).

In selecting toys the child's mental age or actual ability rather than the child's chronological age should be considered and matched with the toy. In Instructional Materials for the Handicapped Thorum (1976) reviewed criteria suggested by various writers. These criteria are summarized and reworded in the following list:

- Do select toys which attract attention and hold interest.
- Do select toys which can be used in a variety of ways.
- Do select toys which can be used by more than one child.
- Do check the toy and manufacturers information regarding safety and age use.

- Do include homemade play toys as well as commercial toys.
- Do help the child learn how to use the toy.
- Do choose toys which can be used independently and toys which can be used by two or more children.
- Do choose toys which are attractive, pleasing to the eye in design, color, proportion and general appearance.
- Do choose durable toys which can withstand hard usage.
- Do choose toys which justify the cost. Expensive toys are not necessarily the best.
- Do provide a variety of toys for different purposes and development of skills, such as toys for
  - developing gross motor skills (walking boards, balls, etc.)
  - developing fine motor skills (puzzles, formboards, etc.)
  - encouraging socialization (objects for group use)
  - encouraging imitation (household equipment, dress-up clothes, tools, etc.)
  - stimulating creative expression (art materials, musical instruments, etc.,)
  - encourage language development (puppets, dolls, books, etc.)
- Do provide supervision at all times.

Ed Swartz, an attorney and author of Toys That Don t Care (1971) became personally involved with toy hazards while handling lawsuits for parents of injured children. The following list of precautions focuses on safety factors to consider in selecting toys:

Don't buy on impulse.

Don't forget that children are fickle.

Don't believe the advertising claims.

Don't buy badly made toys.

Don't buy metal toys without looking them over and inspecting them.

Don't buy wooden toys that may splinter.

Don't buy painted toys unless the paint is non-toxic and lead free.

Don't buy toys unless they are heat-resistant, non-flammable and shatterproof.

Don't buy baby toys unless they can be sterilized.

Don't buy any toys that can end up in infants' mouths.

Don't buy dolls with glued-on eyes, pop-out eyes, or with sharp hair pins.

Don't buy action toys with removable wheels.

Don't buy any toy that uses household current.

Don't buy wind-up toys unless the springs are strong and enclosed in casings tough enough to contain them if they should break.

Don't buy toys that run on batteries or friction mechanisms.

Don't buy anything breakable for an infant or a preschooler.

Don't forget to foresee what will happen should the toy break down or fall apart.

Don't buy any toy for a child too young to use or learn to use it.

Don't buy complex toys for very young children.

Don't buy weapons as toys.

Don't forget to buy with the whole family in mind.

Don't permit children to play with broken or damaged toys.

Don't depend entirely on store-bought toys for children's amusement and education.

The U. S. Consumer Product Safety Commission provides a toll free telephone hotline (800-638-8326) for reporting product hazards or product-related injuries. The Commission also distributes several free pamphlets related to safety such as "Play Happy, Play Safely," "The Safe Use of Electrical Toys," "Safe Toys for Your Child," and "Product Safety Fact Sheets." The information is well written and easily understood. However, based on the senior authors experiences in conducting workshops for parents and teachers, the extent to which this information is generally distributed is questionable. Parents and teachers are obviously more aware of the advertisements and claims of manufacturers than of safety considerations, how to select developmentally appropriate toys, or ways to guide children in using toys.

Parents, teachers, and others who work with children need information and guidance on selecting and using toys with children. One approach to addressing these needs has been through Toy Libraries which have been developed in a few areas of the United States.

V. TOY SAFETY LEGISLATION AND PROTECTION

> It seems plain to me that as many people as possible should be informed about the dangers of injury, and even death, that toys may bear with them . . . . It seems equally plain that the public should know just how limited is the protection that our present laws afford to the consumer, who in this case is the child (Swartz, 1971, 3).

Informing the public about dangers associated with toys, as well as about specific protection available under the law, is complicated. In recent years, with the growth of the toy industry and consciousness of consumer's interests, attention has been directed to improve the situation. Public as well as private interest groups have participated to improve product safety. For example, in 1969, the National Commission on Product Safety made specific recommendations to extend protection to children from toys and other articles which were dangerous due to the presence of electrical, mechanical, or thermal hazards. Action such as this was proposed under the Federal Hazardous Substances Act guidelines (NCPS Interim Report, 1969). Legislation in the area of toy safety has been enacted mainly after accidents. Such legislation is alo limited in scope and difficult to enforce. Recourse under the law has similarly been impeded because of piecemeal legislation and differing judgements rendered by the courts. Finally, distribution of such information to consumers in order to educate them about toy safety is not comprehensive, and its effectiveness is undetermined. Specific insight may be gained about toy safety through careful analysis of existing information: the legislation, the protection it provides consumers, and criteria useful in selecting appropriate toys.

Beginning in 1916, after the decision in MacPherson vs. Buick Motor Co., courts and legislatures adopted philosophies differing from the

original "caveat emptor" or "buyer beware" expression (Hazardous Toys, 1976-1977). Consumer protection is given more emphasis primarily in examining product safety before distribution. This attitude is more easily stated than enacted. The United States government originally only allowed private suit for damages and industry self-regulation to insure safety. In 1967, however, Federal legislation was implemented to study the problems of product safety and to design mechanisms to insure it. The National Commission on Product Safety (NCPS) was requested: "to study the scope and adequacy of measures now employed to protect consumers against hazardous household products (Hazardous Toys, 1976-1977)." In its investigation, which included public hearings, the Commission became "acutely aware of grave inadequacies in the protection of children against death and injury from hazardous toys and other articles intended for use by children" (NCPS Interim Report, 1969).

The investigation prompted the NCPS to recommend enactment of the Child Protection Act of 1969, which was thereafter implemented. The effect of the Act was to amend the number of categories of hazards with respect to toys and "other articles intended for use by children (NCPS Interim Report, 1969, 6). Additional categories included electrical, mechanical, thermal, and others associated with "sharp or protruding edges, fragmentation, explosion, strangulation, suffocation, and asphyxiation." The control authorized by both Acts only outlined enforcement procedures for post market control (NCPS Interim Report, 1969, 7). This differs significantly from more recent legislation which attempts to enforce pre market control of toys.

In its Interim Report the NCPS emphasized the following product-related injuries:

> Of the nearly 56 million children under 15 years of age in the United States, more than 15,000 of them die each year from accidents at a rate of 28 per 100,000 population. This figure is higher than the deaths from cancer, contagious diseases, heart diseases, and gastroenteritis combined.
>
> More than half of the children who died as a result of accidents in 1966 were preschool children (birth to 4 years).
>
> Another 17 million children annually are injured severely enough to restrict normal activity or require medical attention--at a rate of 300 per 1,000 population.
>
> With respect to stationary recreational equipment used by younger children, annual injury estimates are exceedingly high: swings, 500,000; slides, 200,000; seesaws, 50,000; etc. Injuries involving mobile equipment are estimated each year to total 1,300,000 with 1 million of these attributable to bicycles (including 120,000 fractures and 60,000 concussions), and another 100,000 related to tricycles (NCPS Interim Report, 1969, 7).

The NCPS recognized the limitations of the above data in interpretations of toy related injuries, and advocated further investigation into such specific accidents. Under the Federal Hazardous Substances Act, action was limited to only "toxic, corrosive, irritant, sensitizing, flammable, and pressurized areas" (NCPS Interim Report, 1969, 8). Other previous actions and legislation were also limited in scope and effectiveness. For example, the Committee on Hazards to Children of the United States of America Standards Institute (formerly American Standards Institute) mainly examined the problems of toys coated with lead paint, never studying problems that were mechanical, electrical, or thermal (NCPS Interim Report, 1969, 10).

Limitations also existed for other concerned groups, such as the Consumers Union, which actively investigates certain toy hazards, reporting its findings to the public. Kaplan, the Union spokesman, felt that the Federal Hazardous Substances Act needed expansion in order to review toys in Pre-Marketing evaluations for the purpose of preventing problems and effectively control labeling requirements. In his arguments, Kaplan pointed out that toys are usually bought for the user, not by the user. Often cautions or instructions do not prevent accidents; therefore, the manufacturer has a problem in relaying safe use of the product. Kaplan noted also that toys are not basics necessary for life, and the trade-off of safety for a human need is not an appropriate argument. Kaplan, along with other interested citizens such as Swartz, believes that toys should be made child-proof, constructed in a manner which requires "minimum education" for use (NCPS Interim Report, 1969, 14, 15). Influencing the Toy Manufacturers of America to adopt such a proposal is a difficult task.

The Toy Manufacturers of America does have a Safety Standards Committee, responsible for working with government institutions to eliminate certain problems in toys. This arrangement usually operates in response to efforts by consumers to improve toy safety. The toy industry itself often is protected from consumer actions (lawsuits) because of claims of "misuse of product" or "poor supervision of child" while using products. Considering the abuse received from children, its standards do not attempt to insure that products will be safe (Hazardous Toys, 1976-1977, 200).

Toy safety often depends on the method in which the toy is used or

abused. Swartz, testifying before the Commission, demonstrated how an archery set labeled "harmless" could be deadly when the rubber suction tips were easily removed. A play stove operated by 110-volt current contained no warning on the package concerning usage. Inside the oven, "almost indecipherable lettering" warned of possible burns. Such a "toy" could also cause electrical shock if certain parts were not removed before cleaning (Swartz, 1971). These are examples of products which are potential sources of danger. Products which have been proven dangerous through specific accident reports, (such as one case in which a 9-year-old was blinded by an exploding cap device advertised as harmless) are not removed from the shelves of stores (NCPS Interim Report, 1969, 18). Methods are finally employed to remove the toy from the market only when specific action is taken against the product itself, and it is banned by a government institution.

Testifying on behalf of the Toy Manufacturers of America in 1969, Manuell stated that "voluntary standards are slow in coming about," with 3 to 5 years required for a standard to be established. Manuell also told the Commission that manufacturers were "satisfied" with the current progress of the toy industry, explaining that "a child has to experience some minor injuries, some minor experiences of trauman in order to learn" (NCPS Interim Report, 1969, 22). However, Manuell did concede that the Child Protection Act of 1969 was a necessary device to remedy the problem of unsafe toys.

Clearly, the industry itself is aware of the problems in self-regulations. These problems, compounded with the obviously dangerous toys

on the market and combined with the limitations of the products liability suit, prompted quick approval of the Child Protection Act of 1969 (Hazardous Toys, 1976-1977, 198). This was felt to be an expedient action for the problem but not a total solution. Consumer groups especially expressed their desires that cooperation of the toy industry and conscientious enforcement of the Act be implemented (NCPS Interim Report, 1969, 17). Certainly, most parties involved agree that problems will never be totally eliminated. Partial remedies continued to be implemented through legislation.

The National Commission on Product Safety's Final Report of 1970, recommended certain changes for consumer protection. It was advised that an independent agency be given responsibility for "regulation designed to promote" product safety. It was advised also that the new agency have broader powers over more goods (Consumer Product Safety bills, 1972). Senator Magnuson introduced the Commission's bill; meanwhile President Nixon recommended that HEW be given the authority to set safety standards. Another bill was introduced by Representative Moss based on the plans of the Commission, but with several changes. Hearings concluded in February, 1972, resulted in the Consumer Product Safety Act of 1972, signed on October 27 of that year. The law created an independent regulatory agency, "The Consumer Product Safety Commission," made up of five Commissioners appointed by the President for staggered seven-year terms. The Product Safety Advisory Council, made up of 15 members experienced in product safety was also established. Five council members are required to be from government institutions - federal, state, or local; five from consumer organizations, and five from consumer product industries, with one representative from small business. These members are appointed by the

Commission, and meet "not less than four times a year" at the discretion of the Commission. The council was designed to be consulted by the Commission and to propose rules to the Commission (The ABC's, 3).

The new Consumer Product Safety Commission was given broad powers and unprecedented authority to set standards and impose controls. This power extends to new consumer products, those already on the market, and imported products. This power has created pre market considerations. The basis of the Commission is not intended to be "all pro-consumers" or "all pro-business," rather it's intended function is to balance the needs of both interest groups. The Commission's broad power does not eliminate the need for industry standards. The Commission is designed instead to rely on industry standards as a foundation on which laws will be based, combining the views of consumer interests as well. Main functions of the Commission include gathering and dispersing product and accident information, safeguarding special industry trade secrets, and creating and enforcing standards designed to eliminate or reduce product hazards (The ABC's, 4).

Determing exactly what hazards exist and identifying ways to effectively eliminate them is complicated. Estimates from the previous National Commission on Product Safety indicated that about 20% of accidents from unsafe products could be eliminated. The President of Underwriters' Laboratories indicated, however, that only a 5% reduction would be possible. Overall even greater results could occur if a program of consumer education were implemented. According to the Bureau of National Affairs,

> The history of consumer product safety regulation will depend in large part on the extent to which these many involved groups comprehend their rights and

> their responsibilities under this unique legislation and the extent to which the various diverse interests, both private and public, can cooperate between and among themselves (The ABC's, 5).

The Consumer Product Safety Commission was intended to facilitate this cooperation by guaranteeing maximum participation in the rule-making procedures concerning product safety. This directly affects the manufacturers by requiring that they accumulate information and provide it to the public, complying with safety rules. The CPSC has broad powers to require specific information, inspect manufacturer's premises if so desired, and notify the public of defective products. Non-compliance with safety rules allows the Commission to assess civil penalties (Section 20): $2,000 for each violation, up to a maximum of $500,000 applied to each product. The steps required before actual penalties are assessed allow the manufacturer to take voluntary changes to remove injury-causing features. Also, there is no rule allowing the Commission to limit manufacturing of certain products which will be affected by upcoming rules. Stockpiling is anticipated of affected products. This may prove detrimental to the consumer. However, the legislation's planners felt that

> Corporate planners will be required to devote increased attention to the prevention of product liability, instead of relying chiefly on their counsel and their insurers to handle the consequences of having produced relatively unsafe products (ABC's, 8).

Clearly, the legislation addresses the problems of product safety, trying to overcome the "contradictory array of state and local safety requirements," substituting an official all-powerful agency (ABC's, 9). This new agency, however, acts only to improve the safety of products, and in no way assumes that the danger will be eliminated for the consumer.

This highlighted by the provision that U.S. exports shall not be subject to regulation by the Commission except for the exports destined for "any installation of the U.S. located outside the U.S." Although some legislators argued that the U.S. extend product safety recommending "World Responsibility;" others felt that such a move would make the U.S. non-competitive in world markets (ABC's, 13).

Although dangers will not be eliminated by actions of the CPSC, methods of participation for consumers to promulgate their interests were provided. Consumers have (1) the right to participate in the formulation of product safety standards, (2) the power to seek court orders to require the Commission to start rule-making procedures, (3) the right to seek judicial review of Commission rules, (4) the right to institute court action to enforce a rule of the Commission, and (5) the right to sue for injuries "sustained by reason of a knowing violation" of a safety rule where the 10,000 dollar test of the Judicial code is met. One intention of the Commission's founders was that the number of personal injury cases could be reduced by the operation of the Commission (ABC's, 15). The Commission's actions must be coordinated with the other existing federal agencies to be most effective: for example, the Environmental Protection Agency, the Federal Trade Commission, the Department of Health, Education, and Welfare, and various acts such as the Occupational Safety and Health Act, the Poison Prevention Packaging Act, the Federal Hazardous Substances Act, (ABC's, 18).

For numerous reasons, mainly concerning the operational difficulties the Consumer Product Safety Commission encountered in fulfilling its assignment, further legislation was passed in May of 1978. The purpose of the legislation dealt with the need for flexibility in standard setting

procedures, insuring "meaningful" participation of the public in standard setting and insuring ". . . that safety standards are promulgated expeditiously" (Extension of Consumer Product Safety Act, 1978). The bill also promoted the "accountability" of the CPSC, with the U.S. liable for gross negligence on the part of the CPSC. The bill, in contrast to earlier legislation, also requires the CPSC to provide safety information to foreign governments who import U.S. products. These alterations were enacted to help the CPSC accomplish its goals more effectively. These goals have been carefully scrutinized and criticized by the public as well as by the private institutions involved (Extension of Consumer Product Safety Act, 1978).

Appropriations were authorized by the legislature, for the CPSC with a yearly increase until September 30, 1981. However, actual appropriations indicate that the legislature has grown skeptical of the abilities of the CPSC; the funding for the year 1979 was decreased 13 million dollars from that of 1978. Nevertheless, the institution remains a multi-million dollar operation, with enormous goals and interests.

Similarly, disenchantment has grown regarding the Federal Trade Commission activities involving the Bureau of Consumer Protection. In the February 1976 Oversight hearings, an in-depth investigation was conducted to focus on the main concern: "why does it take so long for the Commission to promulgate rules and guides?" (Oversight Hearings, 1976). Examples of this problem were evidenced by the Action for Children's Television Group (ACT) represented by Charren, its president. ACT is concerned with the impact of television upon children, stating that by high school graduation, an average of 15,000 hours have been spent watching television, versus only 11,000 hours in school. Voicing its

concerns mainly at advertising messages on children's programs, ACT pointed out that parents were disturbed by commercials for toys and highly sugared foods. Specifically ACT parents were upset by expensive toys that were not durable, and which sometimes fell apart soon after purchase. Children's demands for advertised products also created a problem with parent-child relationships (Oversight Hearings, 1976).

The ACT group, submitted a formal petition to the FTC's Bureau of Consumer Protection, but received no response. From the period of 1972 to 1974, the ACT group testified that the FTC did not respond to their repeated efforts concerning the petition on toy advertising directed to children. Finally, the ACT group sued the Commission for inaction, with the Commission response being to deny the petition without a public hearing, on a 3-to-2 vote. Later, the ACT group was invited to submit compromise positions on children's advertising along with the industry. However, the industry came up with no compromise, causing Chairman Engman to encourage consumers to do more because the industry had "done nothing" (Oversight Hearings, 1976, 10).

Further testimony concerning toy advertising conducted in May of 1977, before the Senate Committee on Commerce, Science, and Transportation, involved Rothenberg, Professor of Psychiatry. Rothenberg cited 43 cases of children "receiving permanent and major crippling injuries from attempts to imitate, on their bicycles, stunts performed by Evel Knievel or the toy model of Evel Knievel on television (Oversight Hearings, 1976, 178). Rothenberg feels that the problem is the total emersion a child experiences from television, which he feels necessitates action to consider the associated health and risk factors. Similarly, because a child will be

Specifically, toys defective in design include those with problems such as: sharp objects hidden beneath a harmless exterior, inadequate insulation and high temperatures in simulated home appliances, highly flammable substances or "unstable plastics," and numerous others (Hazardous Toys, 1976-1977, 199). Because of the problems in defining toy injuries and their causes (such as defective design), many consumers tend to blame themselves for accidents. Few private litigation suits actually involve charges against defective toys or inadequate warnings on toys. Research indicates that this occurs for two distinct reasons. First, the parents of injured children are not aware of toy dangers and they tend to blame the child or themselves for toy accidents. Second, the majority of the injuries are not severe enough to prompt parents to instigate legal proceedings because of the time and money involved (Hazardous Toys, 1976-1977, 199).

Swartz feels that the liability type case is essential to society to settle disputes, provide for the recovery of damages, and to act as a deterrent to future illegal or harmful actions to others. Swartz criticizes the effectiveness of the liability cases involving toy injuries, however, stating that the deterrent function is not realized. He contends that often the cases are not solved on their merits, but on technicalities. Also, the liability cases are limited to the parties directly involved, providing no recourse for others similarly treated (Swartz, 1971).

Overall, in the products liability case, the manufacturer has an economic advantage over the consumer; is protected by limitations of liability, by problems of proof; and by the cushioning factor of insurance

which absorbs damage payments, only to pass the costs on to consumers in the long run (Hazardous Toys, 1976-1977; Swartz, 1971, 201). Therefore, the plaintiff has little or no power to act as a deterrent. The problem of proof is placed on the plaintiff, including the requirement that the involved toys were used for "ordinary purposes for which such goods are used" (Hazardous Toys, 1976-1977, 200). This complicates the consumer suit concerning toy safety because the consumer is actually the child who has been injured. Often the injury resulted for abuse of the toy or simply from the child's innovation in using the product. Also, children are often harmed by toys because they do not understand the danger of the toy or proper operating procedures (Swartz, 1971).

During litigation the plaintiff must establish that the product is defective in design and that such defect caused the injury. Usually, accidents are more complicated, often involving intervening variables and third parties. For example, in one case a five-year-old boy blinded his younger sister by flying his toy airplane in her general direction. Although the toy itself was defective in design, having an extremely sharp-pointed tip, the case was decided in favor of the defendent. The reasoning applied by the court asserted that the "proximate" cause of the injury was the boy's action itself (Swartz, 1971, 178). Similarly, if a child was injured while playing with a toy such as a top, the case would involve determining the cause of the accident. Perhaps the top was put together with a sharp, dangerous screw accessible to the child. If the child took

apart the top while playing with it and the accident followed, the court would probably rule that the child's misuse of the product caused the injury, thus freeing the manufacturer of liability (Swartz, 1971, 178). Even in cases where the injury is a direct result of the defectiveness of a product, studies have shown that juries are reluctant to award damages. The reasoning is that the product was probably designed by experts in the field and that a specific judgment might result in numerous cases for additional cliams against the product (Hazardous Toys, 1976-1977, 201).

Current trends indicate that the public is becoming more consumer conscious, as evidenced by recent court settlements. Some recent court decisions involving product liability concluded that "one is not required to guard against danger where it is not expected to be" (Hazardous Toys, 1976-1977, 201). In regard to toy injury cases, it could be argued that the child would not expect certain hazards to be present in toys. This view encompasses other problems as well, such as: If the toys are required to "guard against danger," to what extent does this apply? If courts adopted the reasoning applied in Wright vs. Matthews, they might require that manufacturers anticipate misuse of the product, holding them liable for not fulfilling their duty (Hazardous Toys, 1976-1977, 203). Differences still exist in interpretation of existing laws. Some courts distinguish between products "unavoidably unsafe when misused" and those "unsafe because of design;" other courts treat the products the same (Hazardous Toys, 1976-1977, 203). Regarding anticipated use of the product by children, Bailey vs. Montgomery Ward Co., highlights the criteria applied in such considerations. The case involved a boy who was injured while using a pogo stick which broke apart. Adhering to a strict liability interpretation of the

law, the court ruled that the rugged use of such a toy could be forseeable, and rendered judgment in favor of the plaintiff (Hazardous Toys, 1976-1977, 204). This trend is encouraging, although problems in cases related to toy injuries still remain. Other problems include the settlement of cases out of court which occur to keep them out of public view and involve less economic burden on the parties involved. The majority of suits pertaining to toy accidents take such a route, probably satisfying the injured party, even though the case is not brought to public attention (Swartz, 1971, 185).

This type settlement dilutes the effect that consumer suits have in effecting positive changes in industry standards. Therefore, reform is advocated in defining the protection of children in private suits and in requiring special attention on the manufacturer's part. The nature of the damage suit, as a private remedy, inherent with burdens of proof, limits the effective control of toy safety. Swartz emphasized that the only solution for toy safety must be two-fold: "education for safety and legislation for safety" (Swartz, 1971, 186).

This need is further strengthened by analyzing the existing methods of private self-regulation of industries. The meager efforts on the part of toy manufacturers to improve their products may be traced to certain factors. The toy industry is extremely competitive, operating with a great amount of secrecy and limited interaction between manufacturers (Robertson, 1972).

The Toy Manufacturers of America (TMA) has no enforcement powers to guarantee that producers will abide by the guidelines it sets. Combining these factors with the "reluctance of industry to sacrifice style and creativity for safety," the consumer is not shielded sufficiently (Hazardous Toys, 1976-1977, 208).

More and more legislation has been added to the records to shield the consumer. The problem of toy safety involves an estimated 700,000 accident cases per year (according to the U.S. Public Health Service, 1977) (Hazardouse Toys, 1976-1977, 200), as well as about one regulation of about one thousand toy manufacturers in the U.S. Strict intervention and control of the industry is not the main focus of the legislation, especially the Consumer Product Safety Commission Act or the Child Protection Act. Instead the acts provide for investigation and rule-making to prompt industry reform and consumer awareness. Publications of the Commissions are devised to "alert" the consumer to reduce injury from products while allowing for cooperation with both consumers and industry (Hazardous Toys, 1976-1977, 212).

By August, 1978, it became evident to the CPSC that manufacturers were not sufficiently participating in the reporting of product hazards, so new broader requirements were outlined. Those affected include the manufacturer, importer, distributor, and retailer of products regulated by the CPSC. These additional guidelines state that possible substantial product hazards must be reported within specific time limits: up to 16 working day (5 days before the knowledge is discovered, plus 10 days to investigate whether non-compliance or a defect exists in a product). This plan requires companies to know what information they must report to the CPSC. Furthermore, the CPSC advocates

that companies set up their own system for finding problems and reporting them; in other words, internal procedures to quickly monitor the system utilized in the company. These additional requirements became effective August 7, 1978; therefore, their effectiveness is yet to be evaluated (Reporting Substantial Product Hazards, 1978).

Additional proposed regulations explaining the CPSC's intention to conduct inspections of businesses for consumer product safety were published on August 18, 1978. The regulations outline detailed procedures for investigations by designated inspectors. In the event that inspectors are denied admission into plants, they would either get a search warrant or take "other suitable administrative or legal action" (Inspection of Businesses, 1978). Five methods to obtain information from companies regulated by the CPSC would also be implemented under this plan: subpoenas, investigational hearings, depositions, written interrogations and general or special orders (Inspection of Businesses, 1978). These powers would obviously extend the range of actions which the CPSC is entitled to; however, they would require dramatic increases in resources and personnel. The CPSC extension bill was signed by President Carter in November, 1978; it provides for three more years of guaranteed funding for the CPSC. The bill allows for more flexibility in the CPSC, notification of foreign governments of banned products in the U.S., and a special Toxicological Advisory Board to give CPSC technical advice (Consumer Product Law, 1978).

The CPSC has begun considering a proposal to ban small toys and parts which could be swallowed by young children, and solicited comments from the public through December 15, 1978 (Consumer Product Law, 1978). In other action, the CPSC's new law banning toys with sharp points became effective

on December 22, 1978. The implementation:

> . . . identifies toys containing sharp points that CPSC believes are hazardous to young children. However, these products are not automatically banned. Instead, CPSC will regulate them on a product-by-product basis . . . . Once the classification as a 'banned hazardous substance' is made final, CPSC can ultimately seek court action to seize and condemn (the product) (Consumer Product Law, 1978).

Concerning procedures about sharp points, products are exempt which have "functional" sharp points (like needles for play sewing machines), if labeled as such, and products such as model or craft kits. The test for sharp points differs from the test for sharp edges. A device measuring possible skin punctures is employed for the sharp point test, while a device testing toys for possible lacerations is involved in the sharp edges regulations (Consumer Product Law, 1978).

Although the actions of the CPSC are based upon good intentions; given its broad jurisdiction they are difficult to follow through. By 1974, in the toy industry alone, more than 1,700 potentially hazardous toys were banned with the cooperation of the FDA (Surface, 1974, 151). However, during the 1973 Christmas season the CPSC examined 1,439 stores and discovered 1,228 different banned toys for sale. The previous year an independent study surveyed 622 stores located in 18 states and found 193 different toys for sale that had also been banned (Surface, 1974, 151).

To compound these troubles, about 240 inspectors are authorized to examine over one million stores for dangerous toys for sale. The toy industry introduces around 5,000 new toys each year, with almost 1,000 manufacturers participation (Surface, 1974, 152). Controlling such an industry, even at the pre market stage is an enormous task, one which the

Commission is ill-equipped to handle. The CPSC had established a staff of 1,100 people by 1975, spending over 79 million dollars for its operations. These had no noticeable effect in reducing injuries (Weaver, 1975, 134). Two methods are supported for the CPSC activities: one involves careful monitoring of safety information and accident reports to prompt industry towards self-regulation, and one involves identifying the thousands of risks, re-designing products accordingly, and enforcing companies to comply with regulations. The Commission has relied on both methods by utilizing the National Electronic Injury Surveillance System (NEISS) and its own powers as a rule-making and enforcement agency. Critics of the Commission assert than an enormous bureaucracy is forming which expends vast resources and accomplishes little in concrete terms (Weaver, 1975, 134).

The CPSC was formed on the premise that it would attempt to solve safety concerns with products on the national level using a comprehensive policy. Throughout time, this aim has changed to allow for specific regulations on a product-by-product basis, as well as inspection at the community level. For example. the Commission has spent considerable time and money on developing standards that are product-specific; they have determined how "large a pacifier must be to prevent a baby from breathing it in and suffocating" (Weaver, 1974, 135). Also they have set requirements for rattles, to insure that the construction of the rattle does not involve design or materials which could be harmful. Details such as the required dimensions and testing procedures are emphasized (NSCPSC, Title 16, 1978). This detailed instructional method has opened a new field of technology:

discovering devices with which to test product safety. Examples of these new inventions include the sharp point tester, a device with a sensing head and an electrical circuit to indicate if product fails testing (USCPSC, Subchapter C, 1978), and the "thermesthesiometer," a device which measures the burn hazard of hot surfaces (Weaver, 1975). While these advancements are beneficial in certain areas of enforcement, problems still remain concerning control of safety on a large scale. Using the product-by-product basis, over 150,000 different types of toys might need to be examined, possibly requiring untold years of study and research to determine specific standards or testing devices. Even if such a program were presently adaptable, the ever-increasing growth of the toy industry creates more problems in product safety. More importantly, the Consumer Product Safety Commission has responsibilities regarding all consumer products except those which are covered by other legislative agencies or commissions such as the Environmental Protection Agency and the Food and Drug Administration (NCPS Interim Report, 1969).

How well the NCPSM is performing its duties is difficult to assess. Given the multitude of products and hazards it must address with its own bureaucratic limitations, lack of performance is not simply attributable to the Commission itself. The agency has been given recognition for banning such dangerous substances as Tris, the chemical in children's sleepwear found to cause cancer. However, the ability of the agency to move quickly to insure product safety, especially with regard to toys, is doubtful. The main struggle of CPSC recently has been its own continuance. A new appointee to the Commission recently stated, "Unfortunately, managing to stay afloat is

the biggest accomplishment the Consumer Product Safety Commission has made so far" (Zeroing In, 1978, 68).

The lack of business support behind the CPSC is probably one reason for its unpopularity. Companies have complained that there exists a national product liability crisis, in that availability of insurance and its expense have caused a decrease in new product developments and an increase in business failures. The companies assert that this has occurred because of increased product liability claims and govenment control of industry (Product Liability Trends, 1977). Various legislation has been proposed to protect the business interests. In July, 1978, after months of debate and study by different agencies, the Carter Administration proposed a plan to help businesses with this problem. The plan allows businesses to use a carryback period of ten years for net operating losses "attributable" to product liability (Product Liability Trends, 1977). Another proposal, suggested by legislators, permitted tax-deductible contributions to a self-insurance reserve. The purpose was to protect companies against product liability-related problems, but the proposal was rejected by the Carter Administration. Therefore, Congress was surprised by the Administration's proposal, originally backed by the Department of the Treasury (Product Liability Trends, 1977). In effect, either proposal can afford the business interests more protection for both insurance-related and claims-related product liability issues. This type legislation does, however, act as a barrier to the consumer's power in product liability suits, insulating the blow to companies and reducing the assumed deterrent effect of such suits (Swartz, 1971, 152).

In Texas, businessmen have been pushing for legislative protection from

the consumerism which they feel is endangering their stability. On February 26, 1979, legislation was passed through committee proceedings of the Texas legislature which will limit consumer's claims against defective products. Proponents of the legislation argued that businesses should only be responsible for providing products representative of the current "state of the art" in such goods. The bill would provide for this, and also a statute of limitations on the time allowed consumers to bring suits against companies for defective products. Finally, the bill repeals the consumer's right to collect treble damages from the manufacturer of a defective product, allowing for actual damages only. Although citizens' groups expressed their opposition, the bill unanimously passed through committee hearings without debate (KCSW, 1979).

Incidents such as these clearly demonstrate that the interests of consumers are not the sole impetus for "protective" legislation. People who assume that the law acts to protect their individual interests overlook the fact that the innate variances make this impossible. With regard to toy safety, this conflict has definite implications. Often, teachers or parents believe that the best interests of children are provided for by law and that all products are carefully screened to insure safety. Unfortunately, this is not the case, and the occurrence of accidents stimulates public awareness of the fact.

In addition, modifications such as those addressed by the Texas legislature will alter basic tort laws, including the necessary flexibility and "burden of proof" rules adopted by the courts. Modifications, specifically those which would set a statute of limitations concerning product liability

claims, create precise rules which would further remove decisions from the jury system. In the Final Report of the Federal Interagency Task Force on Product Liability, Chapter VII (U.S. Dept. of Comm., 1977), these changes are termed "unwise." The report suggests that responsibility in such cases should lie with "the judiciary's good sense exercised on a case-by-case basis" (Noel and Phillips, 1978). Obviously, even many experts in the field recognize the barriers this type of legislation would promote in liability cases, with repercussions concerning basic legal principles. Conflicts of interest do exist, especially between the producer and consumer, in our society. No settlement will ever favor one interest completely. In this light, consumers should not depend entirely on the law for drastic changes to assert their will. The fact remains that both sides exert power, sometimes in counterproductive channels. Energy transferred into other methods of improvement would then be deemed appropriate and advisable.

Similar conflicting pressures in different countries has influenced toy safety legislation also. In a 1975 study, the OECD (Organization for Economic Cooperation and Development) recommended certain actions for member governments. The suggestions included the following:

(a) Member governments which have not yet done so should urgently consider the need to improve existing controls or to adopt effective methods of controlling the safety of toys, bearing in mind the advantages of statutory controls applying specifically to toys rather than more general regulations which may be applicable to toys.

(b) In connection with such controls, member governments should press, either through their national standardization bodies or in other ways, for the development of appropriate international standards

for the safety of toys and, in the interest of avoiding barriers to international trade, should base their controls on such standards as far as is practicable.

(c) Member governments should made the necessary arrangements to ensure that particulars of accidents involving toys form part of any injury-reporting system that they operate.

(d) Member governments should provide for adequate means, where they do not already exist, for maintaining contacts on all aspects of toy safety with manufacturers, importers, consumer organizations, hospitals, pediatricians, and other interested bodies.

(e) MEMBER GOVERNMENTS SHOULD INCLUDE ADVICE ON TOY SAFETY IN THEIR PROGRAMMES OF CONSUMER INFORMATION AND EDUCATION (emphasis added) (Safety Requirements, 1975, 21).

VI. TOY LIBRARIES

> A Toybrary is a place where parents and their young handicapped children can borrow toys. . .toys that appeal to young children. . .(to) help them develop specific skills (Toybrary, 1978).
>
> Toy Libraries are now opening their doors to the non-handicapped. 52% now cater for the needs of children other than those of the mentally and physically handicapped. In addition to toys, books, records, cassettes and other aids and equipment can now be borrowed at most Toy Libraries (ARK, 1977).
>
> Our hope is that the toy library will be part of a larger parent-education, anti-child abuse program organized with college and community resources (Canadian Association, 1978, 9).

Toy Libraries, places where toys can be checked out, are well established in other countries and gaining popularity in the United States. Various organizations such as the Canadian Association of Toy Libraries, The Toy Library Association of England, and a new United States Association have been established. The main goal of these organizations is to promote toy libraries and to foster communication and support among themselves.

Originally developed in England to provide a materials and information center for teachers and parents of young handicapped children, toy libraries have expanded to serve all young children and to meet other community needs. Many parents wanted direction in using toys to teach skills to their children. Others were frustrated by their inability to purchase expensive toys. Parents were also dissatisfied with commercial toys that were lacking in durability, safety, or educational value. The community-based toy libraries attempt to meet these needs through local

participation and support. Parental involvement is an important factor in the learning process (Carper, 1972). Rosenau of Far West Laboratory for Educational Research and Development states, "Toys are only half the name of the game....It's the idea of getting the parent committed to working in a learning situation with his child. The toys are a good vehicle for doing just that" (Toy Lending Library, 1973).

In California the Far West Laboratory selected eight basic educational toys for teaching children certain problem-solving skills. Parents are required to attend introductory workshops to learn how to use the toy with their children before checking out the toys (Toy Lending Library, 1973). This type of parental education is carried out differently at some libraries: notebooks and pamphlets with directions for use may accompany the toy at check-out. In other settings, the methods for selecting toys varies. Some allow parents and children to examine and play with the toys at the library, while others have catalogs from which the parent chooses the toys desired. In this case, the toys are accessed by library personnel and stored and labeled for space-saving convenience (Canadian Association, 1978). The operations of toy libraries are designed to meet local needs, while working within the given constraints of resources such as funding, space, etc. Newsletters, publications, and information from toy library associations help in designing the basic operations, offering suggestions to facilitate progress. The Canadian Association incorporated as a charitable organization in 1978 to allow tax-exempt status and provide for tax-deductible donations. This approach could also enhance the financial support of other toy libraries which are often

privately or locally funded.

Parents are usually the focus of toy libraries and often assist as volunteers in constructing or maintaining the libraries. Parent education as well as toy-loan out is the focus of programs such as the Olympus Toy Teaching Library (Thorum, 1973), the Marshalltown Project (Montgomery, 1974), and other programs described by Jelinek (1973), Benjamin (1975).

Wide differences among toy libraries are apparent in the United States: toys are assembled by senior citizens in Utah libraries; Alaskan libraries exist in twenty-six native villages; a Chicago library is run by a teacher's aide; a Boston library is run by a day-care worker; and a New York City Library is operated by a nun. Without being part of a coordinated effort, these facilities opened because of community support and volunteer work efforts (Toy Lending Library, 1973).

Aware of the independent origins of toy libraries, which are often accompanied by lack of direction, information sources on these libraries have increased. In the efforts made by such sources, encouragement for unity between libraries is prevalent. Associations in particular are working toward securing a network of toy libraries for the handicapped and others in need, and offering guidance to beginning facilities. As stated by the Canadian Association of Toy Libraries:

> The aims of the Association shall be:
>
> A. To promote, work for, and maintain communication between:
> . individual toy libraries
> . professional workers and toy libraries
> . manufacturers, designers and other interested bodies and toy libraries
> . other interested persons and toy libraries

B. To foster the understanding of the play needs of all children, including those with special needs (the disadvantaged and the handicapped) and give guidance on the selection of toys and play materials

C. To support the concept of toy libraries by:
. developing a basic philosophy with regard to the aims and uses of a toy library
. promoting certain standards for the organization and environments of toy libraries
. disseminating and circulating information to members; e.g., newsletter, how to fund, recommend toys, consumer reports, advice on how to choose toys, how to set up a toy library and generally pooling and sharing knowledge (Canadian Association, 1978).

These goals are broad and ambitious, indicating that programs of toy libraries include professional assistance, private and public funding operations, networks of communication and organization, the monitoring of educational and consumer research, and the providing of information to the public. Clearly, the intentions of such programs have merit, with success depending on the abilities of the programs to perform these goals and on community acceptance

In Canada more than fifty toy lending libraries have been established through various groups such as public libraries, recreation departments, parent cooperatives, and local clubs (O'Flynn, 1979).

Parents and teachers, eager for assistance in selecting appropriate educational toys, are served by the design of many toy libraries. The Toybrary project of the Nebraska Department of Education and the Library System has selected toys for the education of young handicapped children. When the toys are borrowed, pamphlets with ideas on how to work with the child accompany the toy. Toy categories include toys for: developing muscle control, challenging the mind, encouraging exploration, and stimulating the senses. The toy library also provides descriptions of information sources for parents of handicapped children. These include agencies, foundations, clinics, associa-

tions, and societies which provide services for families (Toybrary, 1978). A toy library in Australia uses classifications for toys to help parents select ones that will be appropriate. For example, Activity toys ("A" toys) are divided into those suitable for non-walkers as well as walkers, for walkers and climbers only, etc. Baby toys ("B" toys) are divided into those for sitting, stacking, threading, screwing, turning, hammering; sense-stimulating toys; and first handling and exploring toys. Other categories at the library include Communication, Coordination, Discrimination, Expression, Fun and Games, and Multi-function toys. In the Australian library, professionals in social work, occupational therapy and special education help the children select toys (ARK, 1977). Such toy library programs are financed by donations and government funding. For example, the Nebraska project is provided for by Title Vi-B and Title Vi-C, Education of the Handicapped Act, as well as receiving library and agency support (Toybrary, 1978). Additionally, the aim of such programs is to educate the public on using learning materials. The Early Childhood Creative Toy Project began as parents asked for help. One parent explained, "I have a degree from college and so does my husband, but neither one of us ever had a course to help to prepare us for guiding our children in learning" (Canadian Association, 1978, 10). This toy project involves using toys and materials, taking them to people's homes. and demonstrating their basic uses. Training also includes training parents to take care of materials so as to avoid loss and damage. Workers for the project emphasize that home-made toys, based on parents' or children's ideas, stimulated the program. Store-bought toys often were not sturdy (Canadian Association, 1978).

In addition to providing parents access to interesting and stimulating toys, selecting durable and safe toys is a main ambition of toy library operators, who often consult professionals, consumer reports, and government safety agencies for advice. In a report of a survey of Toy Libraries in 1976, buying the "toughest and best" toys was regarded as a safeguard against damage and repair or replacements costs (ARK, 1977). To promote selection of safe toys, the Canadian Association of Toy Libraries recommends guidelines outlined by Swartz in Toys That Don't Care (1971). It also continually distributes information about local safety offices, both governmental and consumer-related (Canadian Association, 1978).

Clearly, the toy libraries face challenges in providing appropriate materials and educating the people involved in their use. Research points out that children respond best to novelty and constant change in their playthings. The multitudes of various toys required to supply this diversity of play experiences are unfortunately beyond the means of most households This indicates that toy libraries may be better equipped to provide needed toys than are individual families. A recent study, conducted in Israel over a two-year period, focused on the use of toys to assist social workers. It revealed that parents were frustrated because they could not provide expensive toys to their families (Canadian Association, 1978). Toy libraries, with their free-of-charge services, should help remedy this problem. While some professionals recommend that toys be inexpensive or homemade, others point out that parents seem to prefer to borrow a shop-finished item (ARK, 1977).

Although some parents prefer to borrow a finished item, others enjoy making their own toys for home use. Workshops for teachers and parents have been quite successful when models of completed items, materials and

instructions for construction are provided. Books such as How To Fill Your Toyshelves Without Emptying Your Pocketbook (Evans, 1976) and Workjobs for Parents (Baratta-Lorton, 1975), and Teachables From Trashables (Linderman, 1979) are designed to be used in workshops of this type.

It seems obvious that toy libraries can provide assistance to parents in selecting and using meaningful toys with their children. The feedback gained from parents and children from such facilities could also help in future design of materials and library operations as well. The vital role of consumer education and information on resource centers available through toy libraries can also be beneficial to parents of handicapped children. However, the problem is that only small areas are served by toy libraries, which are dependent mainly on community funding. Therefore, other methods for the distribution of information concerning toys to consumers should be explored. Consumer education should include information on toy safety, including toy selection and use, as well as explanations of available toy library systems.

The Toy Library concept holds much potential which has not been explored. Thus far, the purpose has been to provide toys for loan out and evolving from this have been instructional sessions for parents on use or construction of toys. Toy Libraries could also become a vehicle for conducting research on the use of toys within the home. Or through loan-out to child care centers, data could be gathered on group use of toys. Thus far Toy Libraries are considered as a service and the potential for research has not been explored.

SUMMARY

Information from the areas of education and psychology, business and marketing, consumer protection and legislation has been reviewed in this report, Toys--More than Trifles for Play. Indeed, toys are more than trifles. Toys constitute a multi-billion dollar industry, yet reports of research conducted by manufacturers are not publically available. Manufacturers allocate money for research in their budgets, but what is the focus of this research? Do they actually investigate the educational or learning value of toys described in their advertisements or on packages? Or does the manufacturer's research focus on novelty factors, sales potential and marketing strategies? These questions cannot be answered as the results of research by manufacturers were not located in any of the literature reviewed. The surprising fact is that millions of purchasers support a multi-billion dollar industry with little research evidence to support educational claims of the value of toys sold for that purpose.

Toy are no longer purchased exclusively for use within the home and under the supervision of parents. Increasing numbers of toys are purchased for use outside the home with groups of children. Public schools now serve five-year-olds in Kindergartens and even younger children are included in other special programs (such as those serving young handicapped children, bilingual children, and children from economically disadvantaged families). As more mothers enter the work force, more preschoolers attend child care centers. The use, value, and safety of toys are even more important when toys designed for single-child use are used by groups of children.

Textbooks and other materials, "tools for learning" for older children are carefully scrutinized and researched. No one would think of purchasing a basal reading series on the basis of slick advertisements and packaging, a television commercial, or what is on the shelf of the local discount house! But is this the basis on which toys are selected? Publishers are expected to supply research-based data in support of textbooks, and millions of federal and state dollars have been spent in developing and researching learning materials for older children. Where is the research on toys, the materials through which younger children learn?

Many toys are hazardous. This has been documented. But are parents and teachers aware of potential hazards? To what extent do adults recognize the appropriateness and inappropriateness of toys for children? What criteria are used by parents, teachers, and providers of child care in selecting toys for home, center or classroom use?

Public school teachers, day care teachers, and other providers of child care as well as parents need information regarding toys and their use. Elementary and secondary teachers are trained in evaluating and using textbooks and other materials with older children. Are preschool teachers equally well prepared to evaluate and use toys for young children? The same question applies to teachers of children who are handicapped. Who selects toys for group use and on what basis? Are they aware of toy hazards? Will it require injury, death, and litigation to create awareness of hazards?

Yes, children learn through play. And toys are considered "tools for learning". But what do children learn? Which toys are most effective in increasing child-learning? Do children learn more effectively without adult guidance, through self-discovery alone? Or do children learn more effectively with adult guidance? Which toys for what purpose? These are only a few of the many questions which have not been clearly addressed.

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